IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 912 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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HASMUKH @ HAKO CHUNILAL - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
THROUGH JAIL for Applicant(s) : 1,
MR DIPEN DESAI ADDL PUBLIC PROSECUTOR for Respondent(s) : 1-3

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 27/07/2007

ORAL JUDGMENT :

1. The petitioner has approached this court for grant of parole after rejection of his application therefor by the order dated 25.4.2007 of Inspector General of Jail. The petitioner is

convicted for the offences punishable under sections 395, 397, 341 and 506 (2) of the Indian Penal Code, 1860 and has already undergone more than three years of imprisonment. He has not been granted any parole or furlough and his last application for parole on the ground of sickness of his wife has been rejected only on account of adverse police report suggesting likelihood of his absconding.

2. It is stated in the application that no other offence has been registered against the petitioner and his wife is required to undergo serious operation of Uterus. He is stated to have been helpful inside the jail and the report of Deputy Jail Superintendent shows his behaviour to be "good". Upon enquiry at the instance of learned A.P.P., the reason of sickness of the wife of petitioner is found to be genuine and, according to the medical certificate of Dr.Shailesh Shah of Surgical Hospital, Anand, his wife is required to undergo surgical procedure.

3. In the above circumstances, the only reason for denying parole to the petitioner appears to have been the apprehension of the police officer concerned that the petitioner might abscond. Therefore, in view of the above

facts and genuineness of the cause, petitioner is directed to be released on parole for a period of 20 days from the date of release on appropriate conditions, including furnishing personal bond and one surety in the sum of Rs.10,000/- to the satisfaction of the jail authority. Rule is made absolute accordingly.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)